

OD – 17

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Jurisdiction
ORIGINAL SIDE

EC/9/2024

DIPANKAR BANERJEE
VS
SUVANKAR BANERJEE

BEFORE:

The Hon'ble JUSTICE BIVAS PATTANAYAK

Date : 25th June, 2024.

Appearance:
Ms. Tiana Bhattacharyya, Adv.
Mr. Dilip Kr. Ghosh, Adv.
... for the decree holder.

Ms. Noelle Banerjee, Adv.
Mr. Dipak Dey, Adv.
Mr. A. Ojha, Adv.
Ms. S. Mitra, Adv.
... for the judgment debtors.

The Court :- Ms. Noelle Banerjee, learned Advocate for the judgment debtor submits that an amount of Rs.94 lakhs in terms of the settlement made in the decree has already been satisfied. Further, the application for execution of decree under Order 21 Rule 11 of the Civil Procedure Code is itself defective inasmuch as under column no. 7 the amount of debt or compensation has been mentioned as 'nil'. Thus nothing remains in the execution proceedings. She seeks to file affidavit-in-opposition.

Learned Advocate for the decree holder submits that the decree holder has filed the present execution case for executing decree dated 23rd March, 2012 which has no relation whatsoever with the amount of Rs.94 lakhs which is claimed to have been paid. She seeks to reply to the affidavit-in-opposition to be filed by the judgment debtor.

Let such affidavit-in-opposition be filed within a period of two weeks; reply thereto, shall be filed within a week thereafter. Advance copy of such affidavit-in-opposition be handed over to learned Advocate for the decree holder.

Let the matter appear on 22nd July, 2024.

(BIVAS PATTANAYAK, J.)

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